

The Honorable Lonny R. Suko

THE SCOTT LAW GROUP, P.S.
 Darrell W. Scott
darrellscott@mac.com
 Matthew J. Zuchetto
matthewzuchetto@mac.com
 926 West Sprague Avenue, Suite 680
 Spokane, WA 99201
 Ph: (509) 455-3966

DURKOP LAW OFFICE
 Timothy W. Durkop
tim@durkoplaw.com
 2312 N. Cherry Street, Suite 100
 Spokane Valley, WA 99216
 Ph: (509) 928-3848

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

DOYLE WHEELER and CARRI)
 WHEELER, husband and wife,)
 individually and on behalf of similarly)
 situated Washington residents,)
 Plaintiffs,)
 v.)
 NOTEWORLD, LLC, d/b/a)
 NOTEWORLD SERVICING CENTER, a)
 Delaware limited liability company;)
 NATIONWIDE SUPPORT SERVICES,)
 INC., a California corporation;)
 FREEDOM DEBT CENTER, a California)
 corporation; and JOHN AND JANE)
 DOES A-K,)
 Defendants.)

NO. CV-10-202-LRS

CLASS ACTION

DECLARATION OF
 MATTHEW J. ZUCHETTO IN
 SUPPORT OF PLAINTIFFS'
 MOTION TO COMPEL

Without Oral Argument
 November 28, 2011

DECLARATION OF MATTHEW J. ZUCHETTO IN
 SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 1

LAW OFFICES
THE SCOTT LAW GROUP
 A PROFESSIONAL SERVICE CORPORATION
 926 W. SPRAGUE AVENUE
 SUITE 680
 SPOKANE, WA 99201
 (509) 455-3966

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1 MATTHEW J. ZUCHETTO makes the following declaration:

2 1. I am one of the attorneys of record for Plaintiffs in the above-
3 captioned action. I am over the age of 18 and competent to testify and provide the
4 following information of my own personal knowledge.
5

6 2. Attached hereto as Exhibit "A" is a true and correct copy of excerpts
7 of Defendant Nationwide Support Services, Inc.'s Responses and Objections to
8 Plaintiffs' First Interrogatories and Second Requests for Production (Interrogatory
9 Nos. 2, 3, 4 and 5 and Request for Production Nos. 1, 4, 6 and 26), which
10 responses were served on Plaintiffs on September 1, 2011.
11

12 3. Attached hereto as Exhibit "B" is a true and correct copy of excerpts
13 of Defendant Nationwide Support Services, Inc.'s Responses and Objections to
14 Plaintiffs' First Set of Requests for Production of Documents (RFP Nos. 3 through
15 5), which responses were served on Plaintiff on April 13, 2011.
16

17 4. I certify that counsel for Plaintiffs have in good faith conferred with
18 counsel for Defendant Nationwide in efforts to obtain the discovery responses
19 without court action.
20

21 5. In view of Defendant Nationwide's failure to produce the information
22 and documents requested in the above discovery, in August, 2011, I requested of
23 Nationwide's counsel an opportunity to meet and confer regarding those failures.
24
25
26

DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 2

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SPOKANE, WA 99201
(509) 455-3966

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1 6. A telephonic conference, thereafter, occurred on August 18, 2011, at
2 which time counsel met and conferred regarding outstanding discovery disputes.
3
4 In response to this telephone conference and subsequent emails, Plaintiffs' counsel
5 prepared and circulated a Stipulation and Proposed Protective Order concerning
6 the document production.

7
8 7. A second telephonic conference occurred on September 16, 2011, at
9 which time counsel met and conferred regarding Defendants' discovery responses.
10 Counsel specifically discussed Defendant's unwillingness to provide material and
11 information regarding other Class members and related entities.
12

13 8. Counsel also exchanged written correspondence in good faith efforts
14 to obtain the discovery.

15
16 9. On October 14, 2011, Plaintiffs' Counsel further provided counsel for
17 Nationwide with a copy of this Court's Order in the *Carlsen v. Global Client*
18 *Solutions*, Case 2:09-cv-00246-LRS, ECF No. 134.
19

20 10. Notwithstanding the efforts detailed above, Defendant Nationwide
21 persists in its refusal to respond Plaintiffs' discovery requests, as set forth in its
22 objections and detailed in Plaintiffs' Memorandum in Support of Plaintiffs' Motion
23 to Compel.
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DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 3

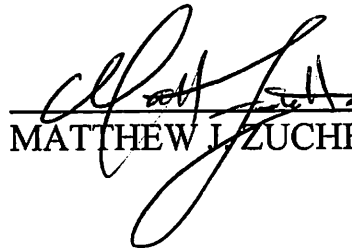
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1 11. Accordingly, despite Plaintiffs' good faith attempts to obtain
2 discovery without judicial intervention, the matters addressed in Plaintiffs'
3 accompanying Memorandum in Support of Plaintiffs' Motion to Compel remain
4 discovery issues of disagreement between the parties that require intervention of
5 this Court.
6
7
8

9 I declare under penalty of perjury under the laws of the State of Washington
10 and the United States of America that the foregoing is true and correct.
11

12 Executed at Spokane, Washington, this 28th day of October, 2011.

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15 MATTHEW J. ZUCHETTO
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DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 4

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THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

John Ray Nelson

nelsj@foster.com
mccap@foster.com


Todd L. Nunn

todd.nunn@klgates.com
kim.nesel@klgates.com

James Bernard King

jking@ecl-law.com
kschulman@ecl-law.com

EXECUTED this 28th day of October, 2011, at Spokane, Washington.


SAMANTHA SIMATOS-BAESCHLIN
of The Scott Law Group, P.S.

DECLARATION OF MATTHEW J. ZUCHETTO IN
SUPPORT OF PLAINTIFFS' MOTION TO COMPEL: 5

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
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SUITE 680
SPOKANE, WA 99201
(509) 455-3966
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